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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. C94 2307 CW

**[PROPOSED] ORDER CONFIRMING
UNDISPUTED BOARD OF PAROLE
HEARINGS ATTORNEY'S FEES AND
COSTS FOR THE FOURTH QUARTER
OF 2009**

1 On March 26, 1997, the District Court established procedures by which Plaintiffs are to
 2 collect periodic attorneys' fees and costs in this case in connection with their work monitoring
 3 Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, Plaintiffs served by overnight delivery their Fourth
 5 Quarterly Statement for 2009 on Defendants on February 12, 2010. Defendants responded on
 6 March 24, 2010. The parties completed their meet-and-confer process on April 8, 2010.

7 As a result of the April 8, 2010 agreement, the parties are able to agree to a settlement
 8 of \$235,891.62 for fees and costs incurred during the Fourth Quarter of 2009, for monitoring
 9 and fee collection activities in the Board of Parole Hearings portion of the case. Attached
 10 hereto as Exhibit A is a chart setting forth the fees and costs claimed by Plaintiffs for the
 11 Fourth Quarter of 2009, and the amounts agreed to by the parties to settle these claims.

12 IT IS HEREBY ORDERED that \$235,891.62 is due and collectable as of forty-five
 13 days from the date of entry of this Order. Interest on these fees and costs will run from
 14 March 19, 2010, accruing at the rate provided by 28 U.S.C. § 1961.

15 IT IS SO ORDERED.

16
 17 DATED: _____

18 THE HONORABLE CLAUDIA WILKEN
 UNITED STATES DISTRICT JUDGE

19 APPROVED AS TO FORM:

20 /s/ Jay C. Russell
 21 Jay C. Russell
 22 Deputy Attorney General
 Attorney for Defendants

DATED: April 21, 2010

23 /s/ Holly M. Baldwin
 24 Holly M. Baldwin
 25 Rosen, Bien & Galvan, LLP
 Attorneys for Plaintiffs

DATED: April 21, 2010

EXHIBIT A

Armstrong v. Schwarzenegger

**Undisputed Fees - 4th Quarterly Statement of 2009
October 1, 2009 through December 31, 2009**

SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
BPH MONITORING WORK	\$ 223,332.75	\$ 9,573.34
BPH FEES WORK	<u>\$ 2,977.00</u>	<u>\$ 8.53</u>
TOTALS:	\$ 226,309.75	\$ 9,581.87
	GRAND TOTAL:	\$ 235,891.62

~~Armstrong v. Schwarzenegger~~

Summary of Disputed and Undisputed Fees

4th Quarter - October 1, 2009 through December 31, 2009

BPH Monitoring Work

581-4	Actual	Claimed	Claimed	Hours	Hours	Undisputed	2008	Fees Now Owing
<u>Attorney/Law Firm</u>	<u>Hours</u>	<u>Hours</u>	<u>Fees</u>	<u>In Dispute</u>	<u>By Pltfs</u>	<u>Hours</u>	<u>Rates</u>	
<u>ROSEN BIEN & GALVAN</u>								
Michael W. Bien (MWB)	22.50	22.50	\$ 14,400.00	1.30	0.39	22.11	\$640	\$ 14,150.40
Gay C Grunfeld (GCG)	53.00	52.70	\$ 25,032.50	12.60	3.78	48.92	475	\$ 23,237.00
Ernest Galvan (EG)	2.80	2.80	\$ 1,260.00	1.60	0.48	2.32	450	\$ 1,044.00
Tom Nolan (TN)	54.00	54.00	\$ 23,760.00	0.00	0.00	54.00	440	\$ 23,760.00
Holly M. Baldwin (HMB)	64.50	64.50	\$ 27,412.50	22.00	6.60	57.90	425	\$ 24,607.50
Maria Morris (MVM)	0.70	0.70	\$ 259.00	0.70	0.21	0.49	370	\$ 181.30
Anne H. Mania (AHM)	15.50	15.50	\$ 5,735.00	1.80	0.54	14.96	370	\$ 5,535.20
Shirley Huey (SH)	35.70	35.70	\$ 12,852.00	0.70	0.21	35.49	360	\$ 12,776.40
Kenneth M. Walczak (KMW)	33.00	32.50	\$ 11,050.00	0.00	0.00	32.50	340	\$ 11,050.00
Lisa Ells (LAE)	13.70	13.40	\$ 3,953.00	12.50	3.75	9.65	295	\$ 2,846.75
R. Blake Thompson (RBT)	101.00	100.90	\$ 27,243.00	46.40	13.92	86.98	270	\$ 23,484.60
Mark Feeser (MRF)	0.80	0.80	\$ 216.00	0.80	0.24	0.56	270	\$ 151.20
Karen Stilber (KES)	27.10	25.50	\$ 5,355.00	0.10	0.03	25.47	210	\$ 5,348.70
Sofia Millham (SAM)	3.60	3.20	\$ 576.00	2.20	0.66	2.54	180	\$ 457.20
Matt Harrison (MRH)	54.50	41.10	\$ 6,987.00	12.40	3.72	37.38	170	\$ 6,354.60
Ritika Aggarwal (RSA)	53.90	42.60	\$ 7,242.00	11.10	3.33	39.27	170	\$ 6,675.90
Haruka Roudebush (HR)	6.10	3.80	\$ 646.00	0.00	0.00	3.80	170	\$ 646.00
Claire Hoffmann (CAH)	2.30	0.00	\$ -	0.00	0.00	0.00	160	\$ -
Adrienne Wilson (AGW)	0.20	0.00	\$ -	0.00	0.00	0.00	160	\$ -
TOTAL RBG	544.90	512.20	\$ 173,979.00	126.20	37.86	474.34		\$ 162,306.75
<u>Bingham, McCutchen</u>								
Geoffrey Holtz (GH)	0.20	0.20	\$ 117.00	0.00		0.20	585	\$ 117.00
Tracey Berger (TB)	31.90	31.90	\$ 11,005.50	0.00		31.90	345	\$ 11,005.50
Frank Busch (FB)	37.10	37.10	\$ 10,573.50	0.00		37.10	285	\$ 10,573.50
TOTAL PLO	69.20	69.20	\$ 21,696.00	0.00	0.00	69.20		\$ 21,696.00
<u>Prison Law Office</u>								
Susan Christian (SDC)	82.80	82.80	\$ 39,330.00	0.00	0.00	82.80	\$475	\$ 39,330.00
TOTAL DREDF	82.80	82.80	\$ 39,330.00	0.00	0.00	82.80		\$ 39,330.00
Total Monitoring - All Offices	614.10	581.40	\$ 235,005.00	126.20	37.86	543.54		\$ 223,332.75

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Summary of Disputed and Undisputed Fees
 4th Quarter - October 1, 2009 through December 31, 2009

BPH Fees Work

581-4A Attorney/Law Firm	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>Claimed Fees</u>	<u>Undisputed Hours</u>	<u>2008 Rate</u>	<u>Fees Now Owing</u>
<u>ROSEN BIEN & GALVAN</u>						
Holly M. Baldwin (HMB)	3.2	3.2	\$ 1,360.00	3.20	\$425	\$ 1,360.00
Sofia Millham (SAM)	<u>2.30</u>	<u>2.30</u>	\$ 414.00	2.30	180	<u>\$ 414.00</u>
TOTAL RBG	2.30	2.30	\$ 414.00	2.30		\$ 1,774.00
<u>Bingham, McCutchen</u>						
Geoffrey Holtz (GH)	1.80	1.80	\$ 1,053.00	1.80	585	\$ 1,053.00
TOTAL Bingham	1.80	1.80	\$ 1,053.00	1.80		\$ 1,053.00
<u>PRISON LAW OFFICE</u>						
Edie DeGraff (ED)	<u>1.00</u>	<u>1.00</u>	<u>\$ 150.00</u>	1.00	150	<u>\$ 150.00</u>
TOTAL PLO	1.00	1.00	\$ 150.00	1.00		\$ 150.00
 Total Fees - All Offices	 3.30	 3.30	 \$ 564.00	 3.30		 \$ 2,977.00

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Fourth Quarterly Statement of 2009
October 1, 2009 through December 31, 2009

Undisputed Costs***Matter: BPH Merits/Monitoring***

	<u>Claimed Costs</u>	<u>Disputed Costs</u>	<u>Undisputed Costs</u>	<u>Disputed Costs</u>
<u>Rosen, Bien & Galvan (581-4)</u>				
Photocopying (in-house)	\$ 3,149.80	\$ -	\$ 3,149.80	\$ -
Photocopying (outside)	\$ 481.65	\$ -	\$ 481.65	\$ -
Postage & Delivery	\$ 625.33	\$ -	\$ 625.33	\$ -
Travel - Mileage, Tolls, Food	\$ 3,655.67	\$ -	\$ 3,655.67	\$ -
Westlaw	\$ 304.66	\$ -	\$ 304.66	\$ -
Online Research - PACER	\$ 13.68	\$ -	\$ 13.68	\$ -
Telephone	\$ 4.62	\$ -	\$ 4.62	\$ -
Total RBG Costs:	\$ 8,235.41	\$ -	\$ 8,235.41	\$ -

Bingham, McCutchen

Travel - Mileage, Tolls, Food	\$ 592.22	\$ -	\$ 592.22	\$ -
	\$ 592.22	\$ -	\$ 592.22	\$ -

Prison Law Office

Sue Christian Travel Expenses	\$ 745.71	\$ -	\$ 745.71	\$ -
Total DREDF Costs:	\$ 745.71	\$ -	\$ 745.71	\$ -

TOTAL UNDISPUTED BPH MONITORING COSTS \$ 9,573.34 \$ 9,573.34

TOTAL UNDISPUTED***Matter: BPH Fees***

	<u>Claimed Costs</u>	<u>Disputed Costs</u>	<u>Undisputed Costs</u>	<u>Disputed Costs</u>
<u>Rosen, Bien & Galvan (581-4A)</u>				
Postage and Delivery	\$ 8.53	\$ -	\$ 8.53	\$ -
Total RBG Costs:	\$ 8.53	\$ -	\$ 8.53	\$ -

TOTAL UNDISPUTED BPH FEES COSTS \$ 9,581.87 \$ 9,581.87 \$ -